



Planning,
Industry &
Environment

IRF21/2775

Gateway determination report – PP-2021-3682

Rezone land within the Mosman Scenic Protection Area from
R2 Low Density Residential to E4 Environmental Living

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1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 1 Planning proposal details

LGA	Northern Beaches Council
PPA	Mosman Council
NAME	Mosman Scenic Protection Area Zone E4 Environmental Living
NUMBER	PP- 2021 - 3682
LEP TO BE AMENDED	Mosman Local Environment Plan 2012 (Mosman LEP 2012)
ADDRESS	2,631 lots within the Mosman Scenic Protection Area
RECEIVED	8/06/2021
FILE NO.	IRF21/2775
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- To recognise low-density residential land within the Mosman Scenic Protection Area that has special aesthetic value, with an environmental land use zone.
- To ensure that the range of permissible and prohibited land uses, and development standards, that currently apply to the land zoned R2 Low Density Residential Zone in Mosman LEP 2012, will continue to apply to the land under the E4 Environmental Living zone.
- To ensure that proposed development on this land that currently requires development consent through the development application pathway, continues to do so, with assessment under Council's local planning controls in Mosman LEP 2012, particularly clause 6.4 Scenic Protection.
- To ensure that this land is permanently excluded from Part 3 Housing Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- To ensure that minor proposed development on this land that can currently be undertaken as exempt development, can continue to be undertaken notwithstanding the change in zone.

1.2 Explanation of provisions

The planning proposal seeks to amend the Mosman LEP 2021 per the changes below:

- Rezone all land within the Mosman Scenic Protection Area that is currently zoned R2 Low Density Residential to Zone E4 Environmental Living, on the Land Zoning Map.
- In Part 2, insert Zone E4 Environmental Living in the list of land use zones within clause 2.1, and insert a Zone E4 Environmental Living Land Use Table.
- In Part 4, clauses 4.1, 4.3, 4.3A and 4.4, and in Part 6, clauses 6.5 and 6.6, make it clear that the provisions relating to minimum lot size, height of buildings, floor space ratio, location of sex services premises and landscaped area that currently apply to land zoned R2 Low Density Residential, will apply to land zoned E4 Environmental Living.
- In Part 4, clause 4.6(6), amend the note to recognise that Zone E4 Environmental Living is now included in Mosman LEP 2012.
- In Schedule 2, amend the schedule to make it clear that the exempt development provisions that currently apply to land zoned R2 Low Density Residential will apply to land zoned E4 Environmental Living.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

Mosman Local Government Area (LGA) is located within Sydney Harbour on the Lower North Shore of Sydney approximately 8 kilometres north-east of the Sydney central business district.

The Mosman Scenic Protection Area (SPA) applies to all land in Mosman from the waterline to the 60-metre contour, identified as a benchmark for significant views to and from Sydney and Middle Harbours. It comprises land used primarily for residential purposes, although there are also large areas of national park and open space, along with land used for military purposes and the zoo (**Figure 1**).

Application of the SPA recognises the natural and visual significance of these lands, reinforces the dominance of landscape over built form and ensures development is located and designed to minimise visual impact on the environment.

The SPA (**Figure 1**), has been excluded from the NSW Government's Housing Code since 2009. This exclusion is time limited and, is due to cease on 30 May 2022.

Council is proposing to apply an E4 Environmental Living zone to all land (2,631 lots) within the Mosman SPA that are currently zoned R2 Low Density Residential under Mosman LEP 2012 (**Figure 2**). The land would remain a low-density residential area and Part 3 Housing Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Housing Code) would not apply to land zoned E4.

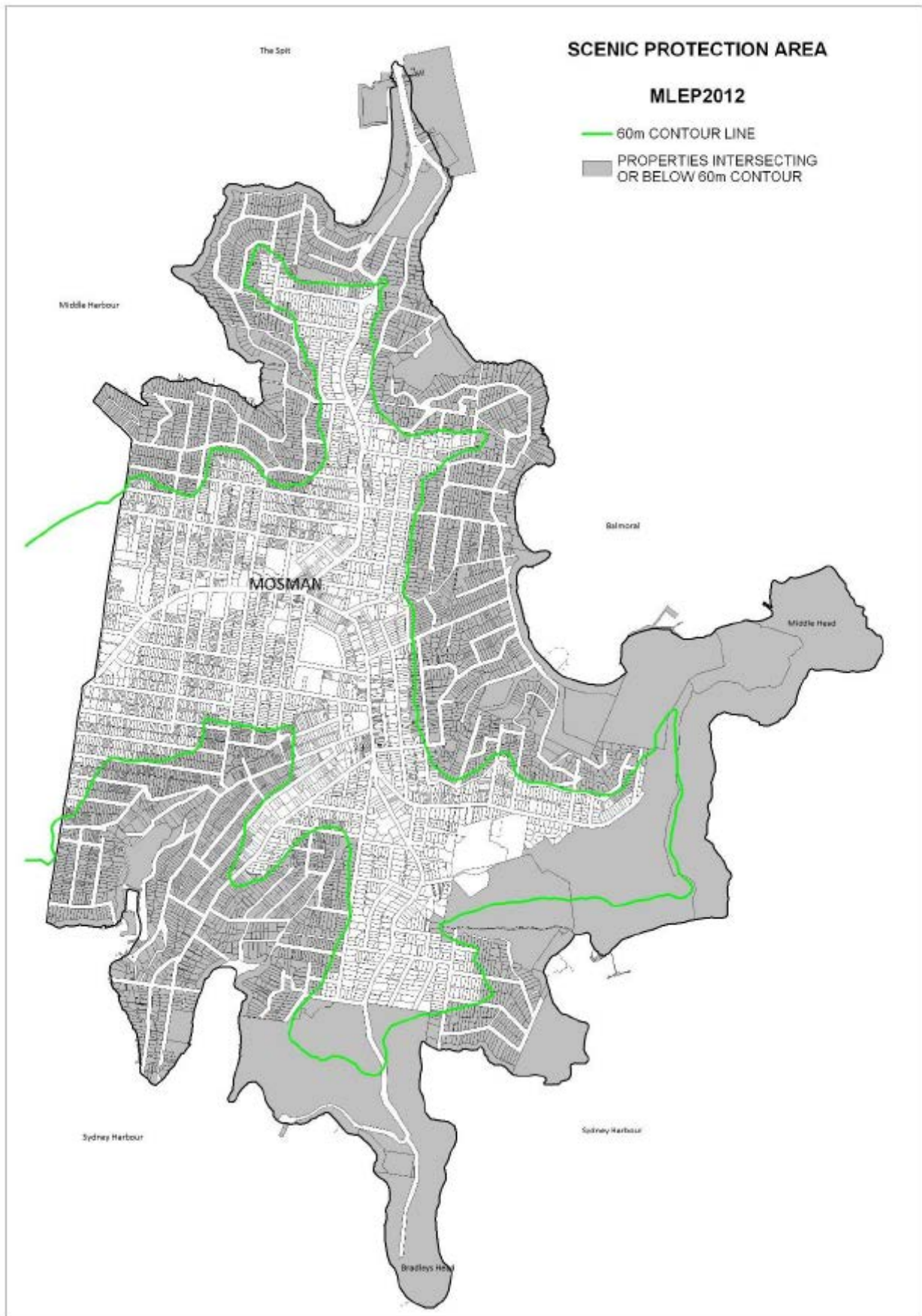


Figure 1 Mosman Scenic Protection Area

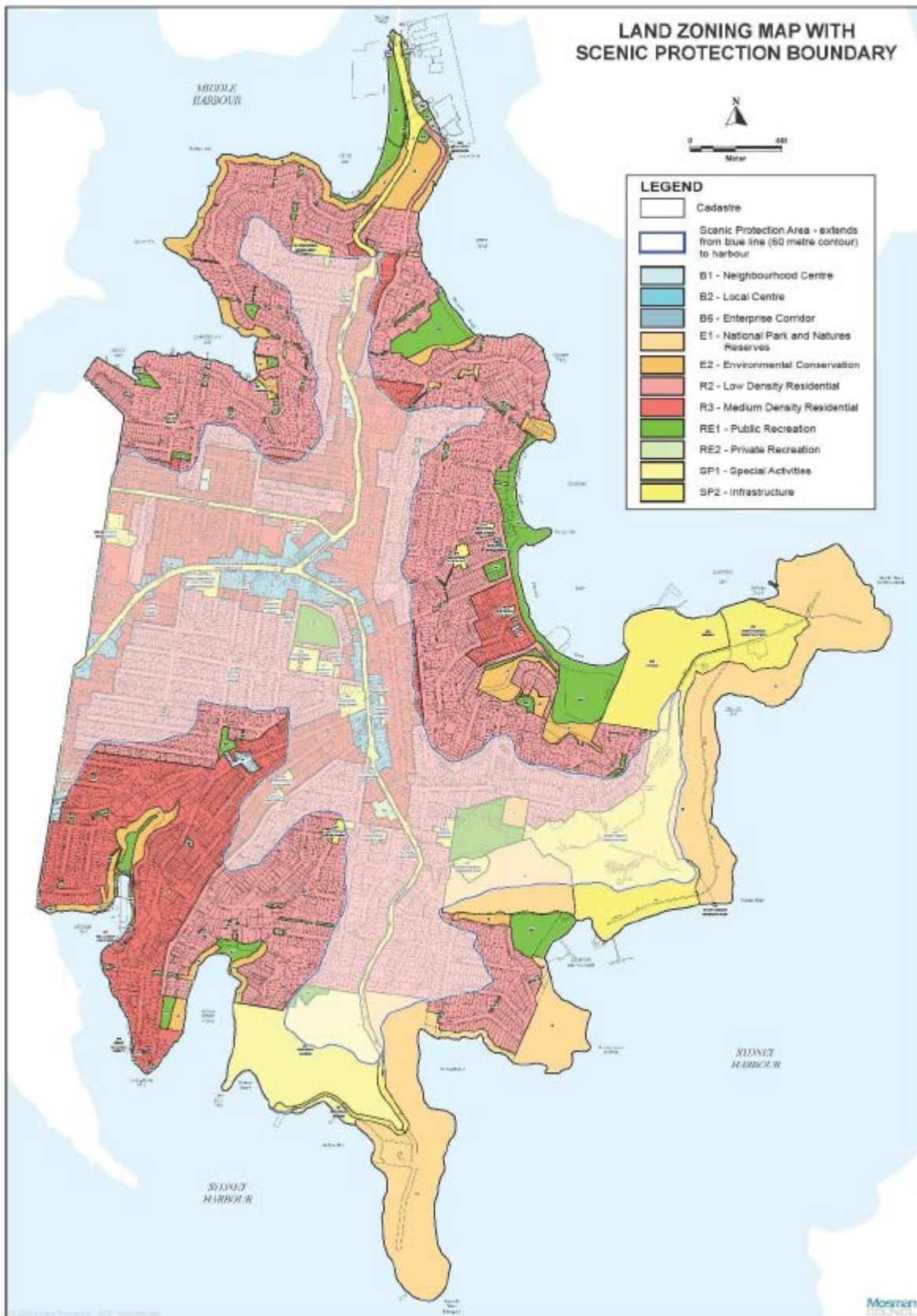


Figure 2 Mosman Scenic Protection Area land zoning (Mosman LEP 2012)



Image 1 Sirius Cove



Image 2 Quakers Hat Bay



Image 3 Pearl Bay

1.4 Mapping

As a result of this planning proposal, Mosman LEP 2012 maps will be amended to reflect a change in zone on land within the Mosman SPA from R2 Low Density Residential to E4 Environmental Living. The following maps are proposed to be amended:

- Land Zoning Map
 - LZN_001
 - LZN_002
 - LZN_003

Figures 3 – 8 show the current and proposed controls for each of these land zoning maps.

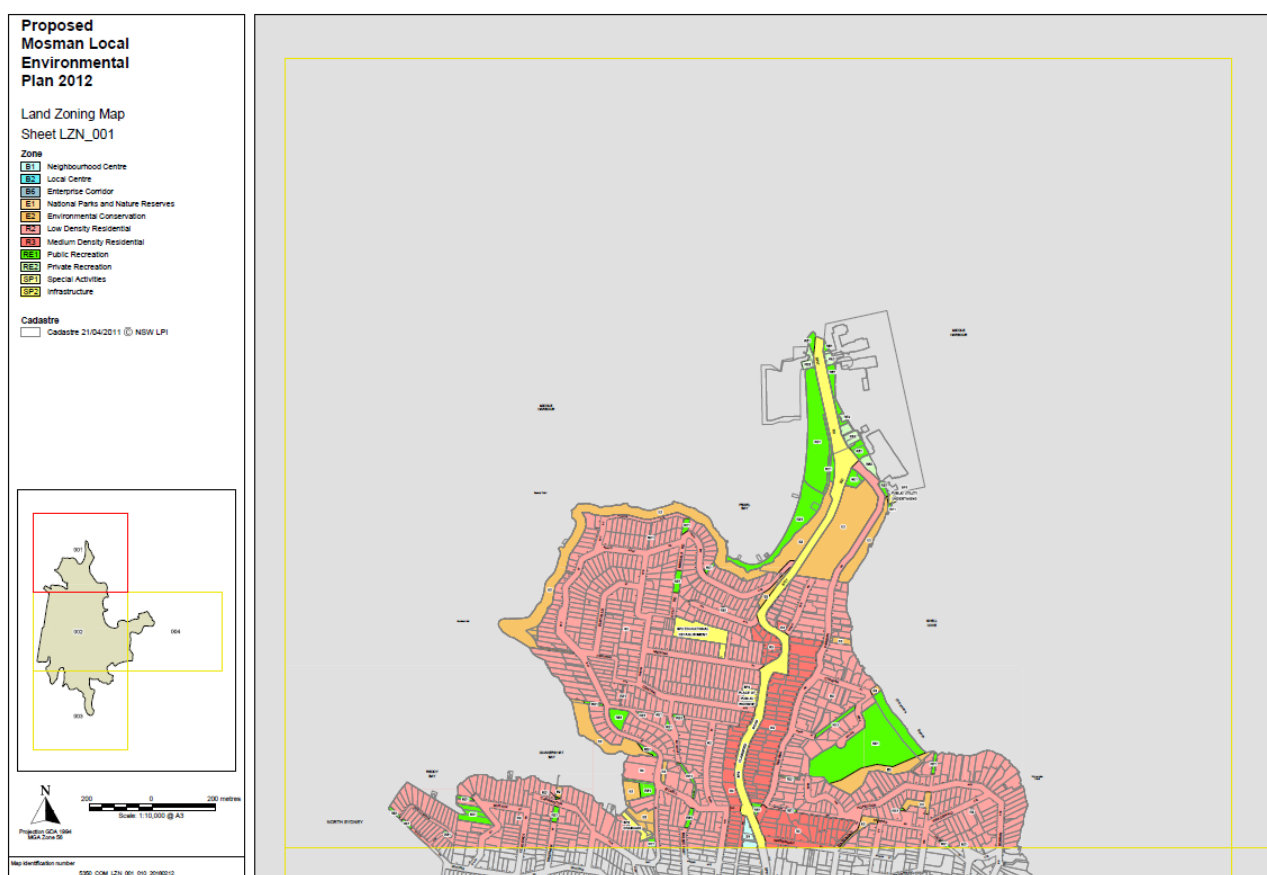


Figure 2 Current Land Zoning Map (LZN_001)

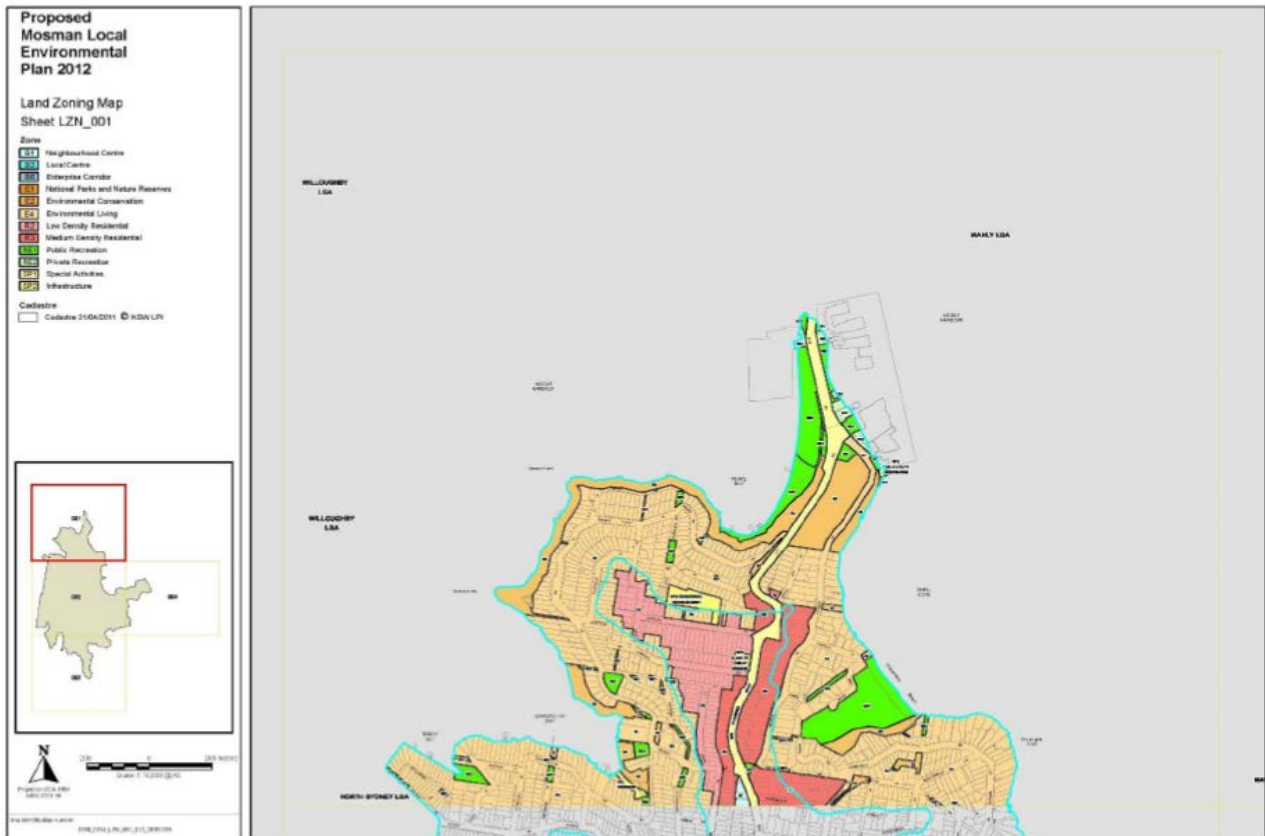


Figure 4 Proposed Land Zoning Map (LZN_001)

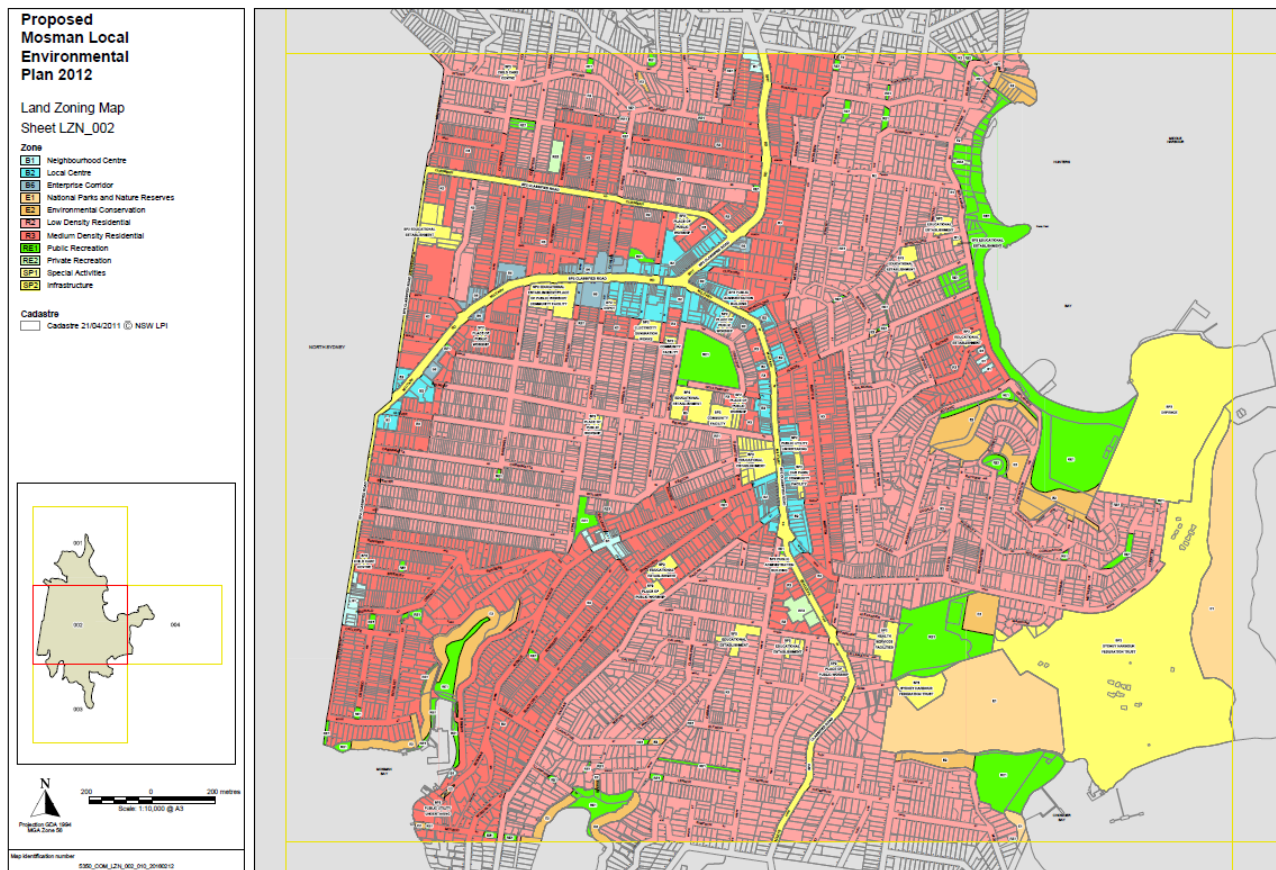


Figure 5 Current Land Zoning Map (LZN_002)

Mosman Local Environmental Plan 2012

Land Zoning Map Sheet LZN_003

Zone

- E1 Neighbourhood Centre
- E2 Local Centre
- E3 Enterprise Corridor
- E4 National Parks and Nature Reserves
- E5 Environmental Conservation
- E6 Low Density Residential
- E7 Medium Density Residential
- E8 Public Recreation
- E9 Private Recreation
- E10 Special Activities
- E11 Infrastructure

Cadastre

☐ Cadastre 21/04/2011 NSW LPI

Scale

0 200 400 metres

Scale: 1:10,000 @ A3

North Arrow

Projection: GDA 1984
MGA Zone 58

Map identification number: 0001_LZN_003_003_00110104

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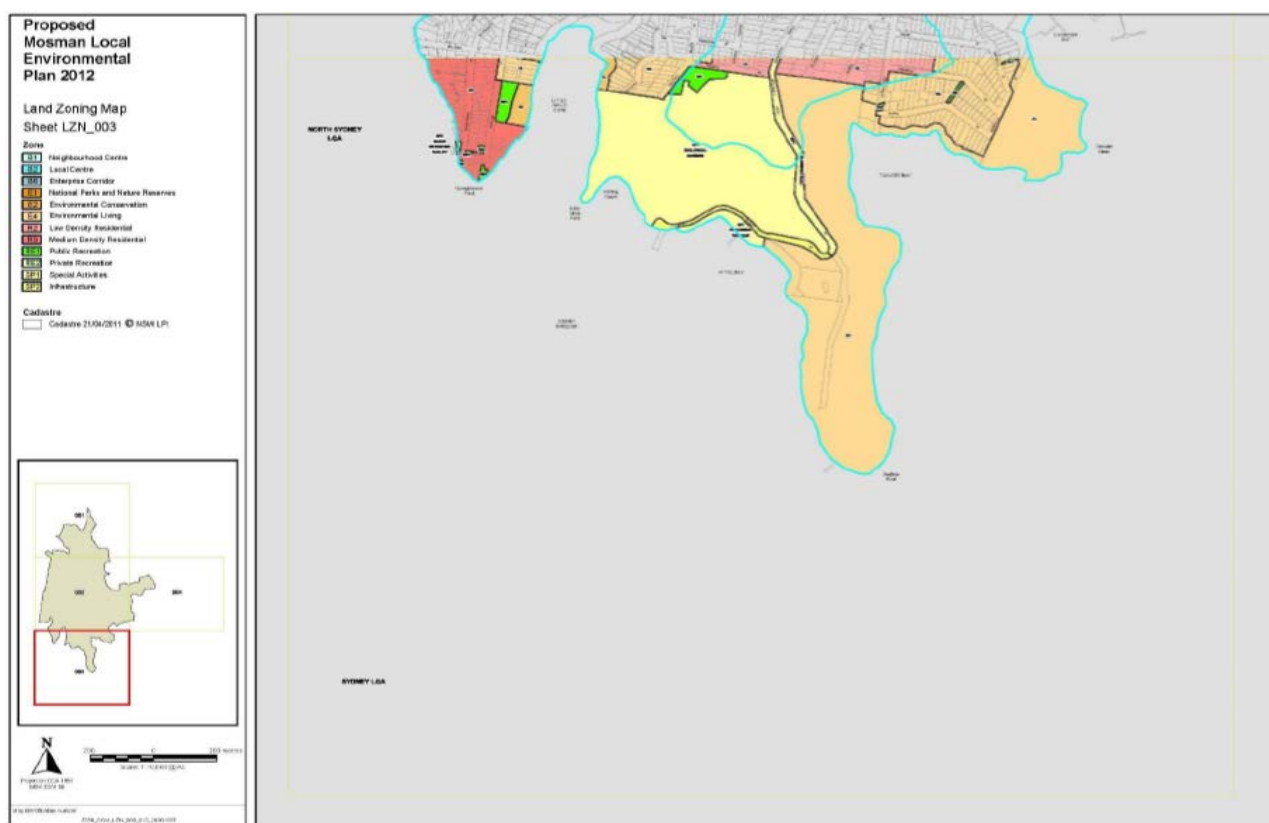


Figure 8 Proposed Land Zoning Map (LZN_003)

2 Need for the planning proposal

The planning proposal is as a result of planning priorities and actions identified in the Mosman Local Strategic Planning Statement (MLSPS).

- Planning Priority 12: Protect, conserve, and enhance Mosman's urban tree canopy, landform, waterways, and bushland.
 - Action 1: Maintain, and review as necessary, planning controls within Mosman's Local Environmental Plan and Development Control Plans relating to landscaped area and landscaping to ensure a general visual dominance of landscape over buildings is maintained in residential areas, particularly on harbour foreshores
- Planning Priority 13: Protect, conserve, and enhance the natural, visual, environmental and heritage qualities of Mosman's foreshore scenic area, and significant views to and from foreshore areas.
 - Action 2: Explore options to ensure that proposed development within Mosman's Scenic Protection Area continues to be assessed under the suite of planning controls within Mosman's Local Environmental Plan and Development Control Plans.

The proposed rezoning of land under the Mosman LEP 2012 will ensure that proposed development on this land is assessed under the applicable local planning controls within Mosman LEP 2012 and Mosman Development Control Plan 2012.

The MLSPS (page 58) notes that:

A major ongoing challenge for Council is the protection of Mosman's significant foreshore slopes as the temporary exclusion of this land from the NSW Government's Housing Code and Low Rise Medium Density Housing Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('the Codes SEPP') will expire on 30 November

2021. Council is continuing to investigate and advocate for more permanent protection measures.

The Housing Code does not apply to land zoned E4 Environmental Living.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 2 Regional Plan assessment

Regional Plan Objectives	Justification
Direction: A city in its landscape: valuing green spaces and landscape.	<p>Sydney Harbour and its surrounding lands have a significant scenic and cultural impact. Mosman, being located within Sydney Harbour, with Middle Head and across from North and South Heads, is an integral part of this landscape and highly visible from both surrounding waterways and land areas across the water.</p> <p>The planning proposal will ensure the ongoing protection of the foreshore landscape is achieved. Providing for their protection is important for their aesthetic, social and economic values and for the character of the Sydney.</p>
Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>The planning proposal recognises the biodiversity values of the subject lands.</p> <p>This planning proposal will not reduce the environmental protection standards that apply, but rather, supports the conservation of these areas through the continued application of local planning controls.</p>
Objective 28: Scenic and cultural landscapes are protected.	<p>The Greater Sydney Region Plan (page 158) notes that “Scenic and cultural landscapes create symbols of Greater Sydney and connect the contemporary urban environment with natural and historic urban landscapes”, and further that “Their continued protection is important for their aesthetic, social and economic values and for the character of the region”.</p> <p>The planning proposal will ensure ongoing protection of this iconic harbour foreshore landscape. Potential indicators for achieving this Direction are increased urban tree canopy and expanded Greater Sydney Green Grid, both of which would be supported by this planning proposal.</p> <p>The planning proposal will not reduce the environmental protection standards that apply, but rather, would support the conservation of these areas through the continued application of local planning controls.</p>

Objective 30
Urban tree
canopy cover is
increased

The urban tree canopy is a form of green infrastructure providing shade, which reduces ambient temperatures and mitigates the heat island effect. Greater Sydney's urban tree canopy is made up of trees along streets, in parks and other public spaces, and on privately owned land including front and backyards.

The planning proposal ensures the ongoing protection and promotion of urban tree canopy in the Mosman LGA.

3.2 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
<p>N17: Protecting and enhancing scenic and cultural landscapes</p> <ul style="list-style-type: none"> - Action 67: Identify and protect scenic and cultural landscapes. - Action 68: Enhance and protect views of scenic and cultural landscapes from the public realm. 	<p>The planning proposal recognises the significance of Mosman's foreshore slopes in contributing to the scenic and cultural landscape of Sydney Harbour.</p> <p>The planning proposal ensures proposed development is subject to local planning controls and the development application pathway. Local planning controls in Mosman LEP 2012 and Mosman Residential Development Control Plan 2012 focus on the importance of tree canopy retention, the dominance of landscape over built form within the foreshore slopes, and view sharing.</p> <p>This planning proposal will not reduce the environmental protection standards that apply, but rather, would support the conservation of these areas through the continued application of local planning controls.</p>
Housing Targets	<p>The North District Plan sets Mosman LGA a 0-5 year housing target of 300 additional dwellings for the period 2016-2021.</p> <p>The planning proposal proposes no change to the permissible land uses, minimum subdivision lot size or other development standards that currently apply to the land under Mosman LEP 2012. The land is currently identified as a low-density residential area, and this will remain.</p> <p>Therefore, it is anticipated that the planning proposal will not affect Mosman's ability to meet housing targets set by the North District Plan.</p>

3.3 Local

The proposal states that it will give effect to the Mosman Local Strategic Planning Statement, March 2020. It is also consistent with the strategic direction and objectives, as stated in Table 5:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Mosman Local Strategic Planning Statement (MLSPS) sets out the Council's 20-year vision for land use planning in Mosman. It was endorsed by Council in December 2019, and a letter of support for the statement was issued by the Greater Sydney Commission in March 2020.</p> <p>The planning proposal states that it will give effect to the following:</p> <ul style="list-style-type: none"> • Planning Priority 12: Protect, conserve, and enhance Mosman's urban tree canopy, landform, waterways, and bushland. - Action 1: Maintain, and review as necessary, planning controls within Mosman's Local Environmental Plan and Development Control Plans relating to landscaped area and landscaping to ensure a general visual dominance of landscape over buildings is maintained in residential areas, particularly on harbour foreshores • Planning Priority 13: Protect, conserve, and enhance the natural, visual, environmental and heritage qualities of Mosman's foreshore scenic area, and significant views to and from foreshore areas. - Action 2: Explore options to ensure that proposed development within Mosman's SPA continues to be assessed under the suite of planning controls within Mosman's Local Environmental Plan and Development Control Plans.
Community Strategic Plan	<p>Council's Community Strategic Plan, 2018-28, is the suite of documents that plan for Mosman's future. The plan ensures that services can be provided to the Mosman community effectively, efficiently, and sustainably.</p> <p>The Community Strategic Plan notes that a major ongoing challenge is the protection of Mosman's significant foreshore slopes, and that Council is continuing to investigate and advocate for more permanent protection measures.</p> <p>The planning proposal states that it will give effect to the following:</p> <ul style="list-style-type: none"> • Strategic Direction 3: An attractive and sustainable environment. - Strategy 1: Protect and enhance Mosman's natural areas and local biodiversity. • Strategic Direction 6: Well designed, liveable and accessible places. - Strategy 2: Value and strengthen the special aesthetic qualities of Mosman.

Local Housing Strategy

The Mosman Local Housing Strategy (MLHS) was adopted by Council at its meeting on 10 November 2020.

The MLHS sets a 0-5-year housing target of 300 additional dwellings for the period 2016-210. It also notes that Mosman is not an area earmarked by the NSW Government as being subject to a high level of growth and change, reflecting the geography, infrastructure capacity and constraints of the area, and it is reasonable that a similar target be applied for the 6-10 year period (2021-2026).

The planning proposal is not expected to impact Council's ability to achieve their housing targets as there is no change proposed to the permissible land uses, minimum subdivision lot size or other development standards that currently apply to the land under Mosman LEP 2012.

The MLHS also indicates that there is sufficient capacity within Mosman's existing medium density R3, B1, B2 and B6 zones to meet demand.

3.4 Local planning panel (LPP) recommendation

The LPP endorsed the planning proposal to rezone land within the Mosman SPA from R2 to E4 under the Mosman LEP 2012. The LPP recommended that the planning proposal be submitted to the NSW Department of Planning, Industry and Environment for Gateway Determination.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.1 Environmental Protection Zones	Yes	<p>The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land)</p> <p>This planning proposal does not reduce the environmental protection standards that apply to the land.</p>
2.2 Coastal Protection	Yes	<p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p>Land around the Mosman foreshore is identified as being within a coastal zone.</p> <p>The direction provides that a planning proposal must include provisions that give effect to, and are consistent with, the</p>

		<p>objects of the Coastal Management Act 2016 and associated manual, toolkit, design guidelines and programs.</p> <p>It further provides that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal vulnerability area, land that is affected by a coastal hazard or land that is identified as a coastal wetlands or littoral rainforest area.</p> <p>The planning proposal is not expected increase development intensity as there is no change proposed to the permissible land uses, minimum subdivision lot size or other development standards that currently apply.</p>
2.3 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects, or precincts of environmental heritage significance to an area, and Aboriginal areas, Aboriginal objects, Aboriginal places, or landscapes.</p> <p>Some sites in the subject area are identified as heritage items or within a heritage conservation area under the Mosman LEP 2021.</p> <p>The heritage status of these sites is not impacted by this planning proposal.</p> <p>The Housing Code does not apply to land that is identified as a heritage item and is limited on land that is identified as being within a heritage conservation area. A change to zone E4 would ensure that no development under the Housing Code could occur on land that is a heritage item or within a heritage conservation area under Mosman LEP 2012.</p>
2.6 Remediation of Contaminated Land	Yes	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>Under the proposal, the land would remain a low-density residential area. The range of land uses that are permissible and currently prohibited in the R2 zone under Mosman LEP 2012, are to be carried over into the proposed E4 zone.</p>
3.1 Residential Zones	Yes	<p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands.</p> <p>The direction provides that a planning proposal must include provisions that encourage the provision of housing that will</p>

		<p>broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; and be of good design. A planning proposal must not contain provisions which will reduce the permissible residential density of land.</p> <p>Under the proposal, the land would remain a low-density residential area. The range of land uses that are currently permitted in the R2 zone under Mosman LEP 2012 are to be carried over into the proposed E4 zone.</p>
4.4 Planning for Bushfire Protection		<p>The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.</p> <p>Some land within the Mosman SPA is identified as bush fire prone on the Mosman Bush Fire Prone Land Map 2018.</p> <p>Under the proposal, the land would remain a low-density residential area. The range of land uses that are currently permitted in the R2 zone under Mosman LEP 2012, are to be carried over into the proposed E4 zone. Bushfire planning protections will continue to apply to proposed developed as part of the DA process.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP 19 – Bushland in Urban Areas	<p>The general aim of the policy is to protect and preserve bushland within urban areas identified because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, education and scientific resource.</p> <p>The specific aims of the policy, set out in clause include to protect bushland for its scenic values and to retain the unique visual identity of the landscape.</p>	<p>The planning proposal is consistent with the aims of SEPP 19.</p> <p>The planning proposal seeks to ensure that bushland within low-density residential areas along Mosman's foreshore slopes is protected and preserved.</p>	Yes

SEPP (Affordable Rental Housing) 2009	<p>The policy aims to provide a consistent planning regime for the provision of affordable rental housing in NSW.</p> <p>Part 2 contains provisions that allow secondary dwellings (i.e. granny flats), boarding houses and group homes to be carried out on land in a residential zone.</p>	<p>By rezoning land from R2 to E4, it is Council's intention that local planning controls currently applying to the land continue to apply under the E4 zone.</p> <p>Secondary dwellings are proposed as a permissible land use in the E4 zone to be included in Mosman LEP 2012. Boarding houses and group homes are also listed as permissible land uses in the E4 zone, as these are carried across from the current R2 zone in the Mosman LEP 2012.</p>	Yes
SEPP (Exempt and Complying Development Codes) 2008 (the Codes SEPP)	<p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards</p>	<p>The planning proposal considers whether there would be any change to the application of the Codes SEPP to land in Mosman as a result of the proposed change in zoning from R2 to E4.</p> <p>Under Part 2 of the Codes SEPP some standards applied to exempt development apply only to residential zones and not land zoned E4. It is proposed to include a clause in Schedule 2 of Mosman LEP 2012 to make it clear that the exempt development provisions that currently apply to land zoned R2 in Mosman will also apply to land zoned E4.</p> <p>The subject land is excluded from Part 3 of the Codes SEPP until 30 May 2022. This proposal ensures that this exemption will continue as the Codes SEPP only applies to R1, R2, R3, R4 or RU5 zoned land.</p> <p>The Low-Rise Housing Diversity Code does not currently apply to land zoned R2 under Mosman LEP 2012 and will not apply to land zoned E4 under Mosman LEP 2012.</p> <p>The Housing Alterations Code applies to residential development and this would be unaffected by the planning proposal.</p>	Yes

SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)	<p>The Seniors Housing SEPP applies to land zoned R2 within the Mosman Scenic Protection Area.</p> <p>The SEPP aims to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.</p> <p>The SEPP applies to all land that is zoned primarily for urban purposes, and adjoining land, if dwelling houses or other specified land uses are permitted on the land.</p>	<p>The proposed E4 zone includes a range of low-density housing types that provide a diversity of accommodation for older residents and people with a disability. This includes boarding houses; dwelling houses; group homes; secondary dwellings; and semi-detached dwellings.</p> <p>The Seniors Housing SEPP does not apply to 'environmentally sensitive land', which is defined in Schedule 1 as land identified as 'scenic' within another environmental planning instrument. With a change from zone R2 to E4, the land would no longer be in a 'residential zone' and the SEPP would not apply.</p>	Yes
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4 Site-specific assessment

4.1 Environmental

Environmental values criteria are detailed in the NSW Department of Planning, Industry and Environment (DPIE) 2009 Practice Note PN 09-002 Environmental Protection Zones and 2015 Northern Councils E Zone Review for the E2 and E3 zones.

The Mosman foreshore has strong environmental values including an extensive mature tree canopy, wildlife corridors, Aboriginal history, wildlife habitat and high value natural coastal areas.

The planning proposal to rezone 2,631 lots within the Mosman SPA from R2 to E4 will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

The planning proposal ensures that the range of permissible and prohibited land uses, and development standards, that currently apply to the land zoned R2, will continue to apply to the land under the E4.

This planning proposal will not reduce the environmental protection standards that apply, but rather, would support the conservation of these areas through the continued application of local planning controls.

The planning proposal provides some evidence (Table 8) that the subjects lands within the proposed E4 zone have significant environmental values. However, the planning proposal does not provide map overlays to support this.

Table 8 Environmental values in the Mosman SPA

Value	Analysis
Areas of special aesthetic attributes	All 2,631 lots that are proposed to be zoned E4 satisfy the environmental value of being an area with “special aesthetic attributes”. This land is within the Mosman SPA which is recognised under clause 6.4 of Mosman LEP 2012. Planning controls exist within clause 6.4 to manage scenic and visual amenity in conjunction with low-density residential development on this land.
Native vegetation on coastal foreshores	State Environmental Planning Policy (Coastal Management) 2018 (the Coastal Management SEPP) recognises 442 lots as being within a ‘coastal environment area’, that is, being land adjoining the harbour containing natural features such as beaches, headlands and rock platforms in need of protection.
Areas of transition between high conservation value land	There are 234 lots identified in Mosman LEP 2012 as being in an area of transition between high conservation value land, that is, immediately adjacent to land zoned E1 National Parks and Nature Reserves or E2 Environmental Conservation.
Culturally significant lands - Aboriginal object sites and sensitivity areas	The Mosman Aboriginal Heritage Study completed in 2005 in consultation with various NSW Government departments and Council, recognises 13 lots as being an Aboriginal Heritage site and 216 lots as having High or Moderate Sensitivity for the potential for containing artefacts such as middens or rock engravings.
Acid sulphate soils areas and buffer areas	Mosman LEP 2012 identifies 194 lots as being affected by acid sulphate soils and having the potential to cause environmental damage, particularly around Balmoral and Quakers Hat Bay. Clause 6.1 of the LEP provides development assessment criteria.
Littoral rainforest (100m buffer area)	The Coastal Management SEPP identifies 110 lots within a 100m buffer area to Littoral Rainforest in Clifton Gardens and Balmoral. A further 40 lots near Rosherville Reserve identified in a Council study are under consideration for inclusion within the Littoral Rainforest buffer area.
Wetland protection areas	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the Sydney Harbour SREP) identifies 109 lots within a Wetlands Protection Area, including in areas around Taylors Bay, Balmoral, and Quakers Hat Bay.
Land subject to coastal hazards including climate change effects	There are 109 lots identified and mapped in Mosman LEP 2012 as being subject to a foreshore building line due to coastal hazards.
Natural watercourses	Mosman LEP 2012 identifies a further 8 lots as containing a natural watercourse. Clause 6.2 of the LEP provides development assessment criteria.

Value	Analysis
Biodiversity and habitat link areas	There are 1,169 lots identified on Council's Biodiversity Corridor and Habitat Link map within Mosman Residential DCP 2012, as either containing or immediately adjoining existing core or cosmopolitan habitat. Planning controls encourage the retention and expansion of habitat areas for native fauna.
Steeply sloping land	Due to the nature of Mosman's topography, there are some areas proposed to be zoned E4 that are subject to very steep topography. Extending from the foreshore area are outcrops of land which are extensions of the ridges. The slopes generally comprise cliffs, terraces, and rock outcrops, together with enclosed gullies and valleys formed around natural drainage lines. Contour mapping is being analysed to ascertain lots that are affected by moderate to steep slope.

4.2 Social and Economic

The planning proposal maintains the subject land as a low-density residential area, with the same range of permissible land uses, development standards and planning controls that currently apply.

The planning proposal ensures the ongoing protection of the visual amenity and bushland character of the subject lands. Matters such as tree canopy retention and the visual impact of development remaining a consideration in development assessment.

5 Consultation

5.1 Community

A community consultation period of 28 days is recommended and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. The planning proposal indicates that Council has consulted with the NSW Department of Planning, Industry and Environment, as well as the Greater Sydney Commission.

It is recommended that the Greater Sydney Commission and the Metropolitan Local Aboriginal Land Council be formally consulted on the planning proposal and given 28 days to comment.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

The planning proposal ensures that the range of permissible land uses and development standards that currently apply will continue to apply to the subject land under the proposed E4 zone.

As such, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions as:

- The proposal has been adequately justified, ensuring that the ongoing protection of the foreshore landscape is achieved.
- The proposal maintains the subject land as a low-density residential area, with the current range of permissible land uses, development standards and planning controls to apply under the proposed E4 zone.
- This planning proposal will not reduce the environmental protection standards that apply.
- The proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats

The planning proposal must be updated before consultation:

- To provide an assessment against the Greater Sydney Region Plan's Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced, and Objective 30 Urban tree canopy cover is increased.
- Update current zoning maps to ensure are clearer resolution.
- Provide map overlays for the proposed E4 zone area to identify the lots within this area that are subject to the environmental values identified in the environmental values analysis
- Update Ministerial Directions in the planning report to remove revoked Direction 7.1 Implementation of a Plan for Growing Sydney

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a. provide an assessment against the Greater Sydney Region Plan's Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced, and Objective 30 Urban tree canopy cover is increased.
 - b. provide current zoning maps in the planning proposal with a clearer resolution.
 - c. provide map overlays for the proposed E4 zone area to identify the lots within this area that are subject to the environmental values identified in the environmental values analysis.
 - d. remove the revoked 9.1 Ministerial Direction – Direction 7.1 Implementation of a Plan for Growing Sydney
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a) the planning proposal must be made publicly available for a minimum of 28 days,

- b) Council will write to any property owners whose land is proposed to be rezoned notifying them of the public exhibition.
- c) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations::

- Metropolitan Local Aboriginal Land Council
- Greater Sydney Commission

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
- 6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



20 August 2021

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19 August 2021

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